

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE REAL ESTATE BOARD

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IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
MARJORIE GARBISCH	:	
	:	LS# 0508252REB
RESPONDENT.	:	

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Division of Enforcement Case No. 05 REB 072

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Marjorie Garbisch  
N4650 Romadka Avenue  
Granton, WI, 54436

Division of Enforcement  
Department of Regulation and Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

Real Estate Board  
Department of Regulation & Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Real Estate Board. The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

## FINDINGS OF FACT

1. Marjorie Garbisch ("Respondent") (DOB 09/22/1930) is duly licensed as a Real Estate Broker in the state of Wisconsin (90-17455). The license was first granted on 03/22/1977. The license expires on 12/31/2006.
2. Respondent's most recent address on file with the Wisconsin Real Estate Board is N4650 Romadka Avenue, Granton, WI, 54436.
3. On or about June 30, 2002, Respondent provided assistance to E.B. by completing a land contract on his behalf using State Bar of Wisconsin Form 11 - 1982.
4. Respondent did not have an agency agreement with E.B., and was not otherwise involved in the real estate transaction as a broker.
5. Per Wis. Admin. Code § RL 16.05(3), "A licensee may use approved forms only in those transactions in which the licensee is acting in a capacity as licensee or in which the licensee is a principal, in either case the use of such forms is incidental to the real estate practice of the licensee."
6. Per Wis. Admin. Code § RL 16.07, "A licensee who violates this chapter demonstrates, for the purposes of s. 452.14(3)(i), Stats., incompetency to act as a real estate licensee in a manner that safeguards the interests of the public..."
7. Per Wis. Stat. § 452.14(3)(i), a licensee is subject to discipline if he or she has, "Demonstrated incompetency to act as a broker... in a manner which safeguards the interests of the public."

## CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Board has jurisdiction to act in these matters pursuant to Wis. Stat. § 458.26.
2. The Wisconsin Real Estate Board has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).
3. By the conduct as described in paragraphs 3-4, Respondent has violated Wis. Admin. Code § RL 16.05(3), and, consequently, violated Wis. Stat. § 452.14(3)(i).

## ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The license of MARJORIE GARBISCH to practice as a real estate broker in the State of Wisconsin and shall be, and hereby is, REPRIMANDED.
2. Respondent shall pay the costs of the Division of Enforcement in investigating this matter, in the amount of \$120.00.
3. All payments required by this Order shall be mailed or delivered to:

Department Monitor  
Department of Regulation and Licensing  
Division of Enforcement  
1400 East Washington Ave.  
P.O. Box 8935  
Madison, WI 53708-8935  
Fax: (608) 266-2264  
Telephone: (608) 261-7904

4. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare

and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit any payment as set forth above (if any), or fails to timely submit proof of completion of education as set forth above (if any), the Respondent's license (90-17455) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order, and with the suspension called for in this Order not to begin until the other terms of the Order have been complied with.

5. This Order is effective on the date of signing.

WISCONSIN REAL ESTATE BOARD

By: Richard Kollmansberger  
A Member of the Board

August 25, 2005  
Date